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9 Attorneys for the Plaintiffs

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 JUAN HERNANDEZ IBARRA,)
18 Defendant.)
19

No. CR 11-0467 EMC

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

20 The defendant appeared for his first status conference before this Court on August 10,
21 2011. The defense requested that this matter be continued to September 28, 2011. The
22 defendant needs additional time to investigate the defendant's prior conviction and removal. In
23 preparation for a motion, Defense counsel needs time to obtain conviction documents from
24 Wisconsin. Defense counsel will also be unavailable during a significant portion of the month of
25 August. The Government did not object to the continuance. The parties have agreed to exclude
26 the period of time between August 10, 2011 to September 28, 2011, from any time limits
27 applicable under 18 U.S.C. § 3161. Defense counsel represented that granting the exclusion
28

1 would allow the reasonable time necessary for effective preparation and continuity of counsel.
2 *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that good cause exists, and that the
3 ends of justice served by granting such an exclusion of time outweigh the best interests of the
4 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court
5 made findings consistent with this agreement.

6 SO STIPULATED:

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8 MELINDA HAAG
United States Attorney

9
10 DATED: September 1, 2011

/s/
11 SUSAN PHAN
Special Assistant U.S. Attorney

12
13 DATED: September 1, 2011

/s/
14 STEVEN KALAR
Attorney for HERNANDEZ-IBARRA

1 [PROPOSED] ORDER

2 For the reasons stated above at the August 10, 2011 status conference, the Court finds
3 that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from
4 August 10, 2011 to September 28, 2011 is warranted and that good cause exists, and the ends of
5 justice served by the continuance outweigh the best interests of the public and the defendant in a
6 speedy trial. 18 U.S.C. §3161(h)(7)(A).

7
8 IT IS SO ORDERED.

9
10 DATED: September 7, 2011

11 EDWARD M.
12 United States

